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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yuba)

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THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTIAN CARRILLO MAGANA,

Defendant and Appellant.

C071066

(Super. Ct. No. CRF11559)

Defendant Christian Carrillo Magana pled no contest to rape by force. (Pen. Code,<sup>1</sup> § 261, subd. (a)(2).) In exchange, four related counts and enhancements were dismissed. Defendant was sentenced to state prison for a stipulated upper term of eight years, awarded 164 days of custody credit and 24 days of conduct credit (§ 2933.1), and ordered to pay fines and fees including a sex crime fine (§ 290.3) in the amount of \$1,140 including unspecified penalty assessments.

Defendant timely filed a notice of appeal but did not seek a certificate of probable cause. Thereafter, defendant filed two more notices of appeal, each seeking a certificate of probable cause. One request was granted and the other denied. The issues raised in this appeal do not require a certificate of probable cause.

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<sup>1</sup> Undesignated statutory references are to the Penal Code.

Defendant contends (1) he is entitled to one additional day of custody credit and (2) the abstract of judgment must be amended to itemize the components of the \$1,140 sex crime fine and penalty assessments. The People concede both contentions. We agree. Accordingly, we modify the judgment to add one day of custody credit and remand the case to the trial court to determine the sex crime fine and penalty assessments that constitute the aggregate \$1,140 amount and amend the abstract of judgment to list, with the statutory basis, the fines and fees.

## FACTS

The facts of defendant's offense are not at issue and need not be set forth in this opinion.

## DISCUSSION

### I

#### *Custody Credit*

Defendant contends, and the People concede, the judgment must be modified to award him 165 days of custody credit. We accept the People's concession.

Defendant was in custody from his arrest on October 17, 2011, through his sentencing on March 29, 2012, a period of 165 days.<sup>2</sup> Accordingly, we modify the judgment to award him 165 days of custody credit.

### II

#### *Sex Crime Fine and Penalty Assessments*

Defendant contends, and the People concede, the abstract of judgment must be amended to itemize the components of the \$1,140 sex crime fine and penalty assessments. We accept the People's concession.

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<sup>2</sup> The error appears to have originated with the probation report's assertion that defendant was entitled to 123 days of custody credit, rather than 124, as of the original sentencing date of February 17, 2012.

Section 290.3, subdivision (a), authorizes a base sex crime fine in the amount of “three hundred dollars (\$300) upon the first conviction or a fine of five hundred dollars (\$500) upon the second and each subsequent conviction, unless the court determines that the defendant does not have the ability to pay the fine.” In this case, the trial court did not specify the amount of the base fine or identify the penalty assessments that resulted in the aggregate \$1,140 fine. Further, the probation report only refers to a \$1,140 fine pursuant to section 290.3.

“Although we recognize that a detailed recitation of all the fees, fines and penalties on the record may be tedious, California law does not authorize shortcuts. All fines and fees must be set forth in the abstract of judgment.” (*People v. High* (2004) 119 Cal.App.4th 1192, 1200.) On remand, the trial court shall determine the sex crime fine and penalty assessments that constitute the aggregate \$1,140 amount and amend the abstract of judgment to “separately list, with the statutory basis, all fines, fees and penalties imposed.” (*Id.* at p. 1201.)

#### DISPOSITION

The judgment is modified to award defendant 165 days of custody credit. As so modified, the judgment is affirmed. The trial court is directed to determine the sex crime fine and penalty assessments and prepare an amended abstract of judgment that separately lists, with the statutory basis, all fines, fees, and penalties imposed upon defendant.

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HOCH, J.

We concur:

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RAYE, P. J.

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MURRAY, J.